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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON
 EUGENE DISTRICT

CV'10-6238

TC

ANDREA WILLIAMS,

Plaintiff,

vs.

CHANDA CORPORATION DBA

CIDDICI'S PIZZA AND TARIQ

SIDDIQUI

Defendants.

) Case No.

) COMPLAINT-STATE STATUTORY
) DISCRIMINATION; TITLE VII
) DISCRIMINATION; INFLECTION OF
) EMOTIONAL DISTRESS; WRONGFUL
) TERMINATION

 Plaintiff alleges:
JURISDICTION

1.

Jurisdiction is conferred upon this Court by 28 U.S.C. §
 1331 and brought pursuant to claims under 42 USC § 2000.
 Plaintiff requests a jury trial in this matter.

2.

Jurisdiction is appropriate for this Court after
 plaintiff's receipt of a right to sue letter from the Equal
 Employment Opportunity Commission and the Oregon Bureau of Labor
 and Industries dated May 27, 2010.

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SUPPLEMENTAL JURISDICTION

3.

This Court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367. Plaintiff's state law claims are so closely related to her federal law claims that they form part of the same case or controversy under Article III of the United States Constitution.

VENUE

4.

Venue is appropriate in this Court under 28 U.S.C. § 1391 because the events giving rise to this complaint occurred in Linn County, Oregon. Plaintiff requests a jury trial in this matter.

5.

Plaintiff and defendants are resident in Linn County, Oregon. Defendant has employed more than fifteen employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

FACTUAL ALLEGATIONS

6.

Plaintiff is woman who was employed by Ciddici's Pizza from April 18, 2008 to April 6, 2009.

7.

When plaintiff was hired, Tariq Siddiqui(Siddiqui), the owner, asked her to come to his house located behind the restaurant to discuss the terms and conditions of her employment. While in his home, he asked that plaintiff remove her shoes and get comfortable. After about 15 minutes, Siddiqui

1 started asking questions about plaintiff's relationship with her
2 boyfriend. Siddiqui asked plaintiff to describe the sex between
3 plaintiff and her boyfriend. Plaintiff refused to talk about
4 this subject and went to put on her shoes to leave. When
5 plaintiff bent over to put on her shoes, she noticed Siddiqui
6 was looking down her blouse. Plaintiff then used her hand to
7 cover her breasts, and Siddiqui stated "oh no, give me another
8 shot of that."

9 8.

10 While plaintiff worked at Ciddici's Pizza, she was touched
11 or commented to in a sexual manner on a daily basis. Siddiqui
12 would put his arm around her waist, rub her back, and slap
13 plaintiff on her behind.

14 9.

15 On one occasion plaintiff was standing at the counter
16 waiting on a customer, Siddiqui slipped up to her right side and
17 put his arm around her waist and said "what happened to that
18 tight little body I hired."

19 10.

20 On another occasion, while plaintiff was standing at the
21 cutting counter with another female employee, Trinity, plaintiff
22 noticed that Siddiqui had a Ciddici's sweatshirt and asked if
23 she could have one. Siddiqui responded "yeah, you have to have
24 big boobs like Trinity to wear those, they wouldn't fit you
25 because your boobs are not big enough."

26 //

27 //

11.

On another occasion, plaintiff walked by the counter area to the pick-up window and Siddiqui came up from behind and slapped her on her butt with his hand. Plaintiff quickly turned around and Siddiqui said, "oh you had a fly there, it's o.k. to do that if you have a fly on you."

12.

On another occasion, plaintiff was working with a customer and the customer asked about a free glass of wine. Siddiqui commented She would have to wear a lower cut shirt for free alcohol.

13.

Siddiqui would come to work and talk about taking trips to Portland strip clubs. Plaintiff told him her stepdaughter worked at one in Portland. Siddiqui asked to see a picture to see if he recognized her. Plaintiff showed him a picture of her face and he commented, "oh, those aren't the lips I wanted to see."

14.

Plaintiff asked Siddiqui why he did not have male employees working the front counter and he responded "they don't have the right equipment." Plaintiff was also told to wear low cut shirts to work.

15.

The more plaintiff objected to Siddiqui's comments and actions, the more he became hostile. One night Siddiqui pick up a box and threw it a plaintiff.

FIRST CLAIM-STATE STATUTORY DISCRIMINATION**(Count 1- Sex Discrimination)**

16.

Plaintiff realleges paragraphs 1-15. According to ORS 659A.030(1)(a) and (b), it is an unlawful employment practice, "for an employer, because of an individual's race, religion, color, sex, national origin, marital status or age if the individual is 18 years of age or older, . . . to refuse to hire or employ or to bar or discharge from employment such individual [or] . . . to discriminate against such an individual in compensation or in terms, conditions, or privileges of employment." Discrimination committed by the defendants as alleged above, affected plaintiff's employment opportunities, compensation, terms, conditions, and privileges of employment in violation of this statute.

17.

Plaintiff suffered from discrimination based on her sex as described in the paragraphs above. Defendants' adverse employment actions toward plaintiff negatively affected her terms, conditions, and privileges of employment in violation of ORS 659A.030 (a) and (b).

18.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants discrimination, plaintiff requests equitable relief including

back pay and reasonable attorney fees and costs pursuant to ORS 659A.885.

(Count 2-Retaliation Sex Discrimination)

19.

Plaintiff realleges paragraphs 1-18. According to ORS 659A.030(1)(f), it is an unlawful employment practice, "for any person to discharge, expel or otherwise discriminate against any other person because that other person has opposed any unlawful practice, or because that other person has filed a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so." Discrimination committed by the defendants, as alleged above, affected plaintiff's employment opportunities, compensation, terms, conditions, and privileges of employment in violation of this statute.

20.

Plaintiff suffered from retaliation based on her complaints of sexual discrimination as described in the paragraphs above. Defendants' retaliation toward plaintiff negatively affected her terms, conditions, and privileges of employment in violation of ORS 659A.030(1)(f).

21.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants' discrimination, plaintiff requests equitable relief including back pay and reasonable attorney fees and costs pursuant to ORS 659A.885.

//

(Count 3-Hostile Work Environment Sex Discrimination)

22.

Plaintiff realleges paragraphs 1-21. According to ORS 659A.030(1)(b), it is an unlawful employment practice, "for an employer, because of an individual's race, religion, color, sex, national origin, marital status or age if the individual is 18 years of age or older, . . . to discriminate against such an individual in compensation or in terms, conditions or privileges of employment." Discrimination committed by defendants affected plaintiff's employment opportunities, terms, conditions and privileges of employment in violation of the statute.

23.

Plaintiff suffered from discrimination in the form of a hostile work environment based on her sex. Defendants' discrimination negatively affected plaintiff's employment in violation of ORS 659A.030(1)(b).

24.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants' discrimination, plaintiff requests equitable relief including back pay and reasonable attorney fees and costs pursuant to ORS 659A.885.

SECOND CLAIM-VIOLATION OF TITLE VII**(Count 1-Sex Discrimination, 42 U.S.C. § 2000e)**

25.

Plaintiff realleges paragraphs 1-24. 42 U.S.C. § 2000e-2(a) provides: "it shall be an unlawful employment practice for

1 an employer" to discharge an individual, "or otherwise to
2 discriminate against any individual with respect to his
3 compensation, terms, conditions, or privileges of employment
4 because of such individuals race, color, religion, sex, or
5 national origin . . .".

6 26.

7 Plaintiff is a woman. Defendants' employed plaintiff
8 during the time in question. During the course of plaintiff's
9 employment with defendants, plaintiff suffered from
10 discrimination based on her sex. Incidents of sexual
11 discrimination committed by defendants resulted in plaintiff
12 being denied compensation, and adversely affected plaintiff's
13 terms, conditions, and privileges of employment in violation of
14 42 U.S.C. § 2000e-2(a).

15 27.

16 Defendants discriminated against plaintiff in the terms,
17 conditions, and privileges of her employment on the basis of her
18 sex. As a result of this discrimination, plaintiff was denied
19 compensation, and adversely affected plaintiff's terms,
20 conditions, and privileges of her employment.

21 28.

22 Plaintiff has suffered economic and non-economic damages in
23 an amount to be determined at trial, as a result of defendants'
24 discrimination, plaintiff requests equitable relief including
25 back pay and reasonable attorney fees and costs pursuant to 42
26 U.S.C. § 1988.

27 //
28

(Count 2-Retaliation Sex Discrimination, 42 U.S.C. § 2000e)

29.

Plaintiff realleges paragraphs 1-28. 42 U.S.C. § 2000e-3 provides in relevant part: "it shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by this sub-chapter."

30.

Plaintiff complained about being treated differently due to her sex. After this complaint, defendants retaliated against plaintiff.

31.

Defendants retaliation toward plaintiff, because she complained about sex based discriminatory conduct, constitutes a violation of 42 U.S.C. § 2000e-3(a) for which plaintiff is entitled to relief.

32.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants' discrimination, plaintiff requests equitable relief including back pay and reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

(Count 3-Hostile Work Environment Sex Discrimination, 42 U.S.C. § 2000e)

33.

Plaintiff realleges paragraphs 1-32. During the course of plaintiff's employment with defendant, plaintiff suffered from

1 discrimination based on her sex. Incidents of sexual
2 discrimination committed by defendants resulted in plaintiff
3 being denied compensation, and adversely affected plaintiff's
4 terms, conditions, and privileges of her employment in violation
5 of 42 U.S.C. § 2000e-2(a).

6 34.

7 Defendants' actions created a hostile work environment
8 toward woman that plaintiff was subjected to.

9 35.

10 Defendants' hostile work environment and the actions of its
11 employees, as provided in the paragraphs above, affected
12 plaintiff's ability to perform her job, and caused plaintiff to
13 suffer emotional distress in the performance of her job.

14 36.

15 Defendants' hostile work environment toward plaintiff,
16 because she is a woman, constitutes a violation of 42 U.S.C. §
17 2000e-2(a) for which plaintiff is entitled to relief.

18 37.

19 Plaintiff has suffered economic and non-economic damages in
20 an amount to be determined at trial, as a result of defendants'
21 discrimination, plaintiff requests equitable relief including
22 back pay and reasonable attorney fees and costs pursuant to 42
23 U.S.C. § 1988.

24 **THIRD CLAIM-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 38.

26 Plaintiff realleges paragraphs 1-37. Plaintiff had an
27 employer-employee relationship with defendants. Defendants knew
28

1 that the aforementioned conduct would cause severe mental or
2 emotional distress or acted despite a high degree of probability
3 that the mental or emotional distress would result.

4 39.

5 Defendants' conduct caused plaintiff severe mental or
6 emotional distress from the foreseeable highly unpleasant
7 emotional reactions including fright, grief, shame, humiliation,
8 embarrassment, anger, disappointment, and worry. Plaintiff has
9 also suffered from depression as a result of being subjected to
10 defendants' discriminatory employment practices.

11 40.

12 Defendants' conduct was an extraordinary transgression of
13 the bounds of socially tolerable conduct or exceeded any
14 reasonable limit of social toleration.

15 41.

16 As a result of defendants' intentional actions, plaintiff
17 has suffered economic damages and non-economic damages in the
18 form of severe emotional distress in an amount to be determined
19 at trial.

20 **FOURTH CLAIM-RECKLESS INFLICTION OF EMOTIONAL DISTRESS**

21 42.

22 Plaintiff realleges paragraphs 1-41. Defendant, Siddiqui,
23 in the course and scope of his employment and ownership
24 recklessly engaged in the aforementioned actions causing severe
25 mental or emotional distress in the form of fright, grief,
26 shame, humiliation, embarrassment, anger, disappointment, worry.
27
28

1 Plaintiff has also suffered from depression as a result of being
2 subjected to defendant's actions.

3 43.

4 The aforementioned actions of defendant consisted of an
5 extraordinary transgression of contemporary standards of
6 civilized conduct toward a person in the work environment.

7 44.

8 As a result of defendant's reckless actions, plaintiff has
9 suffered economic damages and non-economic damages in an amount
10 to be determined at trial.

11 **FIFTH CLAIM-WRONGFUL DISCHARGE**

12 45.

13 Plaintiff realleges paragraphs 1-44. Defendants wrongfully
14 discharged plaintiff from her employment on or about April 6,
15 2009.

16 46.

17 Defendants wrongfully discharged plaintiff because she
18 exercised a legal right related to her status or role as an
19 employee that is of important public interest.

20 47.

21 Plaintiff requested that defendants not discriminate
22 against her. Making these requests is a legal right that is
23 related to plaintiff's status or role as an employee. Making
24 those requests is of important public interest to protect the
25 rights of plaintiff and other employees. Plaintiff had a
26
27
28

societal obligation to complain about discrimination in the work place.

48.

As a result of plaintiff's wrongful discharge, plaintiff suffered economic damages and non-economic damages in an amount to be determined at trial.

WHEREFORE, Plaintiff requests the following for her claims for relief:

1. First Claim for Relief against Defendants:

a. Count 1: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to ORS 659A.885.

b. Count 2: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to ORS 659A.885.

c. Count 3: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in

1 addition to equitable relief and reasonable attorney fees and
2 costs pursuant to ORS 659A.885.

3
4 2. For Plaintiff's Second Claim for Relief against Defendants:

5 a. Count 1: Plaintiff seeks economic damages and non-
6 economic damages in an amount to be determined at trial.
7 Plaintiff seeks recovery of all compensatory damages provided by
8 law, in addition to equitable relief and reasonable attorney
9 fees and costs pursuant to 42 U.S.C. § 1988.

10
11 b. Count 2: Plaintiff seeks economic damages and non-
12 economic damages in an amount to be determined at trial.
13 Plaintiff seeks recovery of all compensatory damages provided by
14 law, in addition to equitable relief and reasonable attorney
15 fees and costs pursuant to 42 U.S.C. § 1988.

16
17 c. Count 3: Plaintiff seeks economic damages and non-
18 economic damages in an amount to be determined at trial.
19 Plaintiff seeks recovery of all compensatory damages provided by
20 law, in addition to equitable relief and reasonable attorney
21 fees and costs pursuant to 42 U.S.C. § 1988.

22
23
24 3. For Plaintiff's Third Claim for Relief against Defendants:

25 Plaintiff requests economic damages and non-economic
26 damages in an amount to be determined at trial.

1 4. For Plaintiff's Fourth Claim for Relief against Defendants:

2 Plaintiff requests economic damages and non-economic
3 damages in an amount to be determined at trial.

5 5. For Plaintiff's Fifth Claim for Relief against Defendants:

6 Plaintiff requests economic damages and non-economic damages in
7 an amount to be determined at trial.
8

10 DATED this 16 day of August, 2010

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14 James S. Davis OSB #982070
15 Of Attorneys for Plaintiff
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